

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, AUGUST 19, 2008 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Joan Peterson	Chairperson
	Barbara Poelman	Vice Chairperson
	Lynda Berry	Commissioner
	Deon Dunn	Commissioner
	Roger Handy	Commissioner
ALSO PRESENT:	Mark Bradley	City Planner
	Eliza McGaha	Secretary
EXCUSED:	Ruth Jensen	City Council Liaison
	Paul Fowler	Commissioner
	Reese Nielsen	Commissioner
	Jared Johnson	Community Development Manager

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

PUBLIC HEARING ² / APPLICATION #3032 / PRELIMINARY PLAT – MAPLE SPRINGS SUBDIVISION / 1000 SOUTH MEDICAL DRIVE / NICK LARSEN

PUBLIC HEARING ² / APPLICATION #3045 / REVISED PRELIMINARY PLAT – BEETON SUBDIVISION / 470 SOUTH 100 WEST / REESE BEETON

APPLICATION #3062 / EXCEPTION TO LOT AREA, WIDTH, AND FRONTAGE REGULATIONS FOR PUBLIC UTILITY EXPANSION / BRIGHAM CITY CORPORATION

DISCUSSION:

- APPLICATION #3059 / SKYLINE TERRACE SUBDIVISION, PHASE III – SKETCH PLAN / JOHN W. PARSON

REGULAR MEETING:

Ms. Peterson opened the regular meeting at 6:30 p.m. Roger Handy led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

MOTION: A motion was made by Roger Handy to approve the July 01, 2008 work session minutes. The motion was seconded by Lynda Berry and passed unanimously.

MOTION: A motion was made by Roger Handy to approve the July 01, 2008 regular meeting minutes. The motion was seconded by Lynda Berry and passed unanimously.

On line 90 of the July 15, 2008 work session minutes, the word 'they' should be changed to the word 'the'.

MOTION: A motion was made by Barbara Poelman to approve the July 15, 2008 work session minutes as amended. The motion was seconded by Roger Handy and passed unanimously.

There was some discussion on changing the statements recorded in the minutes that were made by people other than the Commissioners and Staff. It was determined that it would be best to leave statements in the words of those who made them and it would be okay to clarify/change those made by the Commissioners and Staff.

In the July 15, 2008 regular meeting minutes, line 183, the word 'they' should be changed to the word 'it'. On line 185, the words 'would not deal' should be changed to the words 'have not dealt'. On line 252 there should be some clarification that Mr. Rush was referring to the words 'to date' in a column in a table of a document. On line 339, the word 'the' should be added in front of the word 'unincorporated'. On line 377, the word 'trials' should be changed to the word 'trails'. On line 480, the word 'could' should be changed to the word 'would'. On line 671, the word 'they' should be changed to the word 'the'. On line 695, there should be a comma after the word 'installed'.

MOTION: A motion was made by Barbara Poelman to approve the July 15, 2008 regular meeting minutes as amended. The motion was seconded by Roger Handy and passed unanimously.

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):

There was no public comment.

PUBLIC HEARING ² / APPLICATION #3032 / PRELIMINARY PLAT – MAPLE SPRINGS SUBDIVISION /1000 SOUTH MEDICAL DRIVE / NICK LARSEN:

This request is for a four lot subdivision between Medical Drive and 800 West. Mr. Bradley explained the application using a PowerPoint visual presentation. Lot four is anticipated to be used for an assisted living project. The existing home will be removed in the future. The main access will be from Medical Drive which will need to line up with the access that exists across the street. In the site plan there is a little offset that will need to be addressed. There will be a service access off of 800 West, which Staff will also like to see lined up with the access across the street. For information purposes, Mr. Bradley displayed elevations of what the proposed development on lot four would look like. The plan had been custom designed to fit the area. Because of the nature of the development there needs to be an access from the property over to the medical facility so all traffic will not be pushed onto the street. There are possibilities to provide pedestrian and vehicular connections between the properties.

MOTION: A motion was made by Roger Handy to open the public hearing for application #3032. The motion was seconded by Barbara Poelman and passed unanimously.

Keith Sorenson came forward and stated he was the architect for the Maple Springs project and was representing Nick Larsen. The intent on the subdivision is that as the property is subdivided and projects progress in the future on the other three sides that they would have the potential to have adequate space so parking and anything necessary could be provided for and be totally independent of anything else. The possibility of cross-easements had not been explored and would be a matter of the adjacent property owners being willing to enter into such an agreement. The plan is to have one primary entrance into the development off of Medical Drive.

Ms. Poelman stated that a problem with traffic already exists on Medical Drive. The implementation of a second access would depend on how quickly the parcels and property develop. The next parcel in line for development is the one north of the parcel for the assisted living facility. The primary service drive was created off of Medical Drive which, Mr. Sorenson commented, he thought was the way the City wanted them to handle it. Ms. Poelman commented that developers come in and develop an area and those that live in those areas have to face the congestion created and this would be a good time to have more roads available into a project like this. Ms. Dunn commented that there should be an outlined way to drive from one area to another because it could be very dangerous driving through multiple parking lots. Mr. Bradley pointed out that the design was to allow people within the assisted/independent living to be able to access over to the medical facilities without necessarily going onto Medical Drive. Ms. Peterson said their concern was having all the traffic going out onto Medical Drive and they may need an access onto 800 West. Mr. Bradley said the plan is to have a service access and said he was not involved in those discussions. He said the key was to not have a bunch of access points in that area when there is one main access on Medical Drive, which is safer than having several in the other location. He did not have an answer as to why there was not an access on 800 West; it may have to do with the residential areas along that street.

Mr. Sorensen said it would be impossible to make a full access on 800 West and explained why as they looked at the site plan. The building footprint does not allow a through street, as it is designed. He pointed out the parking areas and where the service entrance is located to limit access, which is intended to minimize the impact on the residential neighborhood. There will be 32 units for assisted living and 44 units for independent living.

Mr. Bradley stated the main thing that was being addressed at this meeting was the subdivision layout. The use is permitted, and as such, the use is not being considered but rather introduced so the Commission could understand what the project is. In regards to the configuration of the lots, if they chose not to build that project, there could be access on 800 West. He suggested that access could be addressed as part of the motion if the Commission felt it should be addressed. Focus should be kept on the subdivision and if there is access on 800 West it should line up with the access across the street. Ms. Peterson felt the access was inadequate for the development. A 4-way stop or stop light was suggested. Mr. Bradley said he was not prepared to address a light at this time. Mr. Handy commented that he thought they felt the design on this project in pushing everything out in the one area was probably not optimal for that road. Mr. Bradley suggested the Planning Commission could put a stipulation on approval that the access would be further reviewed and discussed or they could continue it until Staff gathered more information for them as to why that access is the only option.

Ms. Poelman asked about using the private road that went to the house on those parcels. Mr. Bradley said that road will go away. On Medical Drive it is better to have one main access because with multiple accesses the conflict of turns becomes more dangerous. The real concern is whether 800 West can provide an access or not. Mr. Bradley said a traffic engineer would advise that one access off of Medical Drive with the other lots coming off there is a safer issue than multiple accesses onto that drive. Mr. Sorenson said everything the building is not located on is an existing easement.

MOTION: A motion was made by Roger Handy to close the public hearing for application #3032. The motion was seconded by Barbara Poelman and passed unanimously.

The large area behind the buildings is a vacant lot. Mr. Sorenson said he was concerned with the concerns the Commission has with this project. He said the construction documents are finished and they have a scheduled bid opening on September 18th for this project. He said they are committed with the State Licensing to use a permit and have it under contract before the first of October. They want to satisfy the things the Commission wants them to achieve and he said they share some of the same concerns regarding traffic. He said they felt they had dealt with the traffic concern in the best possible way.

Mr. Bradley suggested they address the subdivision and if they would like Staff to discuss the access they should include that as part of the motion.

MOTION: A motion was made by Roger Handy to forward application #3032 to the City Council with a recommendation for approval with the stipulation that the subdivision must comply with the Staff evaluation; must comply with Chapter 25 Subdivisions; must comply with Chapter 29 Zoning and that the City Council be made aware of the Planning Commission's concern of the effect on traffic on Medical Drive of the access from this development and that the City Council be asked to work with the Staff to try to find a way to mitigate the problems that may result from that single access point, including the possibility of a 4-way stop or other provisions that the City may be willing to make; recommend approval with the findings of fact that the applicant will comply with the Staff evaluation and that such use will not under that circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that this application complies with the Brigham City General Plan. The motion was seconded by Lynda Berry.

Discussion: Ms. Poelman said she would like the word single added to the motion to draw specific attention to the single access. Mr. Handy and Ms. Berry were agreeable to that addition.

The motion passed unanimously.

Mr. Sorenson commented that when they started talking about the single access driveway it was suggested to the City that they design and build the access roadway to City standards and dedicate it to the City. He said they were encouraged to not do that and make it a private road as the City did not want to maintain it. Mr. Bradley said it would be a private street inside the development.

PUBLIC HEARING ² / APPLICATION #3045 / REVISED PRELIMINARY PLAT – BEETON SUBDIVISION / 470 SOUTH 100 WEST / REESE BEETON:

This application was originally a two lot subdivision and has been revised to be a four lot subdivision. Mr. Bradley pointed out the changes in a visual presentation. The south property line was extended north based on the common lot line that had been used over the years and it also addresses the water gate area as well. The parcel lines have been cleaned up allowing lots three and four to have a wider lot frontage. Mr. Bradley said Mr. Beeton had mentioned that the little shed, that was on the property line on lot two, had been removed. The wording on the plat had been changed from 'existing home' to 'shed' on lot one. Mr. Bradley said there should be two separate motions; one to forward the subdivision to the City Planner and the other to forward the deferral to the City Council.

MOTION: A motion was made by Roger Handy to open the public hearing for application #3045. The motion was seconded by Barbara Poelman and passed unanimously.

Reese Beeton came forward and clarified that he was cleaning up property lines on the two homes on the east, lots two and four, which he is deeding over to his children. He said he does not have plans to build on the two vacant lots; there is a storage shed, a shop and a peach orchard on the other lots. In regards to the deferral of sidewalk, he said his reasons for that are that there is no sidewalk on the east side of 200 West or on the block north. Also, one property is a vacant lot and the other a peach orchard. He said he cultivates the lot and keeps it free from weeds, right out to the curb, and is easy to take care of. He has no culinary water there to water anything. He does have some irrigation water for the orchard that goes over to the curb. He said it would be a lot harder for him to maintain it and keep it weed free with the sidewalk there. He said he did not think it would be very beneficial as it would be a land-locked piece. If an improvement district was done and the sidewalk ran all the way down, then he would put the sidewalk in. On the north side it would be a problem because when they do the sidewalk the neighbors would have to lower their driveway, due to a drop-off from their property to his. It would be good to wait to install the sidewalk until the lot is built on, if it ever is, so it will not get broken by the big equipment during construction. There is sidewalk on the west side of 200 West but on the east side there is none on his block or the block north.

MOTION: A motion was made by Roger Handy to close the public hearing for application #3045. The motion was seconded by Barbara Poelman and passed unanimously.

MOTION: A motion was made by Barbara Poelman to accept application #3045 and forward it to the City Planner as the acting Land Use Authority and that the expansion be made from two to four lots and be accomplished for lots one and three based on Staff recommendations and the stipulations that it must comply with their evaluation; must comply with Chapter 25 Subdivisions; must comply with Chapter 29 Zoning; based on the findings of fact that the applicant will comply with Staff evaluation and that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that the application complies with the General Plan. The motion was seconded by Deon Dunn and passed unanimously.

MOTION: A motion was made by Barbara Poelman to forward the sidewalk deferral petition of lots one and three to the City Council with recommendation to approve, based on the fact that under existing vacant parcels of land in Brigham City it states that special consideration should be given as to whether sidewalk is developed or deferred as these individual parcels are proposed and developed; and that it may be the best to just allow for an automatic deferral of this sidewalk; based on the fact that the land could be better accessed, at this time, and that there are no other parcels of sidewalk on that side of the street. The motion was seconded by Roger Handy and passed unanimously.

APPLICATION #3062 / EXCEPTION TO LOT AREA, WIDTH, AND FRONTAGE REGULATIONS FOR PUBLIC UTILITY EXPANSION / BRIGHAM CITY CORPORATION:

Using a visual exhibit, Mr. Bradley explained this application. He pointed out the access that the City currently has to access the current water tank. A well has been identified and tested in that area and it

contains good culinary water which can be stored in the tank. Arrangements have been made with the Beecher Brothers on acquiring the property. The City would be required to merge the two parcels together into one. Under this provision, it allows the Planning Commission to approve land, that would be an exception to the typical standards for that zone, because the MU-160 zone would require 160-acres which would not be practical for a utility service. The easements and access are already in place so it will not impact the area any differently than it currently does. Ms. Poelman asked if they should reference the Proctor & Gamble facility in the motion. Mr. Bradley said that Proctor & Gamble will help with upgrades but the best way to make the motion would be to add the language that Staff had prepared.

MOTION: A motion was made by Roger Handy to approve application #3062 to recommend approval of public utility installations, exempt from certain zoning recommendations, with the stipulation that this parcel will need to be combined with the existing adjacent parcel, within one legal description, so the subdivision requirement will not be relevant; with the findings of fact that this action will not under the circumstances of the particular case be detrimental to the health, safety or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; that the proposed use will comply with all regulations and conditions specified at this time for such use; such exemption will not substantially adversely affect the General Plan or intent of the zoning district in which the use is proposed; in the particular case for which the exemption is requested, adherence to lot area, width, and frontage regulations is unnecessary in order to carry out the intent of the General Plan. The motion was seconded by Barbara Poelman and passed unanimously.

DISCUSSION:

- **APPLICATION #3059 / SKYLINE TERRACE SUBDIVISION, PHASE III – SKETCH PLAN / JOHN W. PARSON:**

Mr. Bradley said there are some concerns with going up the hillside that raises some red flags. There is an existing plat in the area and there are concerns about going up higher because of potential flooding or stability of the slope, scarring and conflicts with some of the utilities. In some areas the slope is 41%, which is very steep. In some cities, a lot cannot even be platted on that steep of a slope. Along the Wasatch Front, the maximum slope is usually 35%. In St. George there are some cases where they allow up to 40% but they do not get as much water there as we do here. The General Plan shows this area as low density with a deeper width and would require a zone change. This would require vacating the lot as well as a zone change. Mr. Bradley said he would not like to see the area rezoned if the lot was not going to be vacated. If the City wanted to vacate the lot to allow the development ~~then~~ then the zone change would need to occur. Both actions could be considered at the same meeting with two different motions.

It is unknown if the entrance to the proposed development is owned by the developer of the subdivision. Ms. Poelman asked where the Ravenberg property began and ended on this property on the road. She said they were not going to sell and were not happy with the Kotter development going in. Mr. Bradley said in the engineer comments it was recommended that the north roadway access, running north from lot 12 to Highland Drive, be required to be dedicated and constructed as part of this development. If that is a requirement then they will have to be working with the adjacent property owners, if it is going to be a public street. Because of the nature of the hills in that area, the utilities would need to come in through a certain route and the City would not like to have to use eminent domain to install them. Along the steep areas it may be wise to not allow lots. A slope analysis could be done to identify where that area would really allow for lots to be built, without having problems cutting into the hillside. It does not make sense to have a cookie-cutter development along that whole

distance. In the Staff evaluation the Emergency Services Director commented that the length of the subdivision was okay. Mr. Bradley said they really need to see what the City standards on that area. Because of the nature of the natural crest, there would need to be some kind of easement and whether or not the adjacent property owner would allow for that is unknown.

Ms. Dunn pointed out some things on the map. In regards to an area that was dug out when the freeway was done she said it is all sand. She said there were supposed to have been trees planted there and were not but some have grown in that area. She said the basement of one of the houses, which is in kind of a flood plain area, was flooded during the night while the residents were sleeping and the water came up to the level of the beds. There was a collecting pond dug up there to restrain the water from going down into the homes below it and it seemed that some of the property of the proposed development would go through it. Ms. Dunn said the water was really a bad water problem and her concern is what would be done about it. She pointed out the area that curves and where Lorna Ravenberg's property begins. She said Ms. Ravenberg keeps up the dirt road by driving on it everyday to work. Ms. Dunn commented that she did not know what Ms. Ravenberg would say about it and it is a large family group that owns that property. Ms. Dunn said there have been several times in the past where building behind those homes on the hill has been proposed but has not gone through. She wondered what had happened in the past to stop that and asked if it is something the Commission needs to look at again.

Ms. Peterson said the comments from the Engineer, about needing a study of the slope, fault lines and the current and potential water runoff, were good ideas. Ms. Poelman wanted to add in the comments the two blank areas that were said to be illegal. Unless there is a policy on allowing items concurrently, there would need to be a lot vacation and a zone change on this because they hinge on each other. Mr. Bradley said the subdivision would need to be able to provide access up on the hill for emergency vehicles as well as for utilities. The next step in the approval process for this application would be to vacate the lot and approve the zone change; consideration for the preliminary plat would be in a separate meeting. A recommendation for approval or denial would be sent to the City Council with the Planning Commission's findings as to why they made a particular recommendation. Mr. Bradley suggested the Commission ask for a geotechnical report on those lots prior to approval or they could have it be a condition of approval. It could be requested of the applicant that they address the slope analysis and do a geotechnical report prior to the Commission addressing the applicant's request. There cannot be conditions placed on a zone change. As part of the consideration of the next step, the Planning Commission would like to see solutions to the issues that have been discussed as well as engineering comment number five. Ms. Peterson asked if there was any limit as to how high development could be built up the mountain. Mr. Bradley said he was not well versed with the ordinances to know the answer to that question.

Ms. Poelman had a comment on the Kotter Canyon development. In regards to the dirt that is being excavated, they are taking that dirt and are using it to build a huge berm-like area on which they are going to build a house. They said they can do that because the City has no elevation ordinance. Mr. Bradley said they have been working with the developer to get them to lower that. The construction drawings do not show that so they are saying they have a right to bring it in, but Staff is working on it. He said the Public Works Inspector is aware of that issue and they are working on it. It has to be brought up so there is a positive slope back toward the street but it does not need to be as high as it is. Ms. Poelman said one of the workers indicated that it was cheaper to put it there than to haul it out and she asked if the City had anything that would preclude their being able to do that. Ms. Dunn commented that the Kotter development appears to be higher on the mountain than the proposed development they had just discussed.

MOTION: A motion was made by Roger Handy to adjourn. The motion was seconded by Lynda Berry and passed unanimously.

The meeting adjourned at 8:02 p.m.

*This certifies that the regular meeting minutes of August 19, 2008 are a true and accurate copy
as approved by the Planning Commission on September 02, 2008.*

Signed: _____

Jeffery R. Leishman, Secretary